United Nations A/AC.109/2009/1

General Assembly

Distr.: General
11 February 2009

Original: English

**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# British Virgin Islands

**Working paper prepared by the Secretariat**

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09-23544 (E) 020309

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# I. Background information

1. The British Virgin Islands[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is located about 100 kilometres east of Puerto Rico and 25 kilometres from the United States Virgin Islands. The Territory comprises an area of 153 square kilometres, a group of some 50 islands, islets and cays that form an archipelago with the United States Virgin Islands, scattered over some 3,445 square kilometres of sea. Twenty of the islands are inhabited. The capital city, Road Town, is located on the largest island, Tortola. The other major islands are Virgin Gorda, Anegada and Jost Van Dyke. For 2007, the population of the Territory was estimated at 27,500 and for 2008 at 28,000 persons.[2]

2. The earliest known inhabitants of the Territory were the Arawaks and the Caribs, indigenous people of the region. The Dutch established the first permanent European settlement on the islands in 1648. In 1666, British planters took control of the islands and the Territory attained the status of a British colony. The planters were granted civil government, constitutional courts, an elected House of Assembly and a partly nominated Legislative Council, which first met in 1772. In 1872, the islands became part of the Federation of the Leeward Islands. In the 1930s and 1940s, British Virgin islanders demanded greater self-governance, which led to the Territory becoming a separately administered colony in 1956.

# II. Constitutional, political and legal issues

3. In 2007, the British Virgin Islands adopted a new Constitution formulated with local input (see A/AC.109/2008/2). The Virgin Islands Constitution Order 2007 came into force on 15 June 2007, replacing the Virgin Islands Constitution Order 1976, which was amended in 2000. Under the new Constitution, the administering Power appoints a Governor with responsibilities for defence, internal security, external affairs, public service and the administration of the courts; the Governor retains legislative powers as necessary to exercise special responsibilities. In the areas of internal security and external affairs, the new Constitution provides for the territorial Government to have formal input, allowing for greater sharing of those responsibilities.[2]

4. The new Constitution also provides for the introduction of a cabinet style of Government, reflecting, according to the administering Power, the increased level of autonomy and responsibility resting with the democratically elected representatives. The Executive Council has been replaced by a Cabinet, the Chief Minister replaced with a Premier, and the Legislative Council replaced by a House of Assembly. The Cabinet consists of the Premier (appointed by the Governor from among the elected members of the House of Assembly), four other Ministers (appointed by the Governor on the advice of the Premier) and one ex officio member (the Attorney General). The Governor attends and presides over the Cabinet. The agenda is agreed

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] Information provided by the administering Power on 13 January 2009.

by the Cabinet Steering Committee, consisting of the Governor, the Premier, the Cabinet Secretary and the Deputy Governor. The House of Assembly consists of a Speaker, the Attorney General as an ex officio member and 13 elected members (9 members from one-member electoral districts and 4 members representing the Territory at large).[2]

5. Speaking in an expert capacity at the Pacific Regional Seminar convened under the auspices of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Bandung, Indonesia from 14 to 16 May 2008, Kedrick Pickering, who was involved in the Territory's constitutional negotiations with the administering Power, presented an analysis of the internal constitutional review process that resulted in the adoption of the Territory's new Constitution in 2007. According to the speaker, the 2007 Constitution represented progress for the people of the British Virgin Islands, enshrining basic fundamental rights, rebalancing the relationship between the territorial Government and the administering Power, and giving the people of the Territory greater autonomy and self-determination. The full text of the statement can be found on the United Nations website on decolonization.

6. There are four political parties in the Territory: the Virgin Islands Party (VIP), founded in 1971; the United Party (UP), founded in 1966; the Concerned Citizens' Movement (CCM), founded in 1994 as a successor to the Independent People's Movement; and the National Democratic Party (NDP), founded in 1998. General elections must be held at least once every four years. Candidates are elected based on a simple majority.

7. Persons voting must be 18 years of age or over and have "belonger status". It is estimated that some 45 per cent of the population has "belonger status", which includes the right to work without a permit and the right to vote. In practice, a person has to live and reside continuously in the Territory for 20 years before he or she may apply for permanent residence. After obtaining permanent residence, he or she may apply to become a belonger.[3] The British Overseas Territories Act 2002 granted the right of full British citizenship to all inhabitants of its Territories. According to the media, in 2008 the territorial Government gave certificates of residence in the British Virgin Islands to 28 citizens of Montserrat. It was the first time that citizens of Montserrat had been given certificates of residence. In addition, the Government expressed its willingness to deal with the general backlog of applications for residency status.[4]

8. In the last general election, held on 20 August 2007, the Virgin Islands Party won 10 of the 13 seats in the House of Assembly and subsequently formed the Government, with Ralph T. O'Neal as Premier. The next general election is scheduled for September 2011.

9. The Governor of the British Virgin Islands, David Pearey, took office on 18 April 2006.

10. The law of the British Virgin Islands comprises common law of England, locally enacted legislation, and imperial legislation. Justice is administered by the Eastern Caribbean Supreme Court, based in Saint Lucia, which consists of two

[3] See http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/uc147-i/uc14702.htm.

[4] See www.caribbeannetnews.com.

divisions: the High Court of Justice and the Court of Appeal. There are two resident High Court Judges, and a visiting Court of Appeal, which comprises the Chief Justice and two judges of appeal and sits twice a year in the Territory. There is also a Magistrate's Court, which hears prescribed civil and criminal cases, as well as a Juvenile Court and a Court of Summary Jurisdiction. The United Kingdom Privy Council is the final court of appeal. In the context of a review, the administering Power reaffirmed that the terms and conditions of employment of the Chief Justices were a matter for the Organization of Eastern Caribbean States, not the United Kingdom.[5]

11. A new Commercial Court is under construction, which is expected to be finished by May 2009. The Commercial Court will serve predominantly the Eastern Caribbean jurisdictions, including Anguilla, the British Virgin Islands and Montserrat.[6]

## III. Budget

12. For 2008, estimated expenditure of the Territory was approximately $247 million, with an estimated revenue of about $285 million and an estimated surplus of $38 million.[7] The territorial Government continues to be the responsible steward of public sector finance, first by funding capital expenditures from operating surpluses, where feasible, and also by remaining in compliance with the borrowing guidelines agreed with the Government of the United Kingdom.[2]

13. In October 2008, the United Kingdom and the British Virgin Islands signed a new tax agreement, which involves arrangements for exchanging tax information and avoiding double taxation of individuals.[8]

## IV. Economic conditions

### A. General

14. The economy of the British Virgin Islands is largely based on offshore financial services, which contribute approximately half of the gross domestic product (GDP), and tourism. Since 1959, the legal tender of the British Virgin Islands has been the United States dollar ($).

15. For 2007, GDP was estimated at $1.1 billion, representing an estimated increase of 9.5 per cent over 2006. Per capita GDP was estimated at $41,500 for 2007.[7]

16. As previously reported, the principal trading partners of the Territory are the United States of America, Puerto Rico, States members of the Caribbean

[5] Seventh Report of the Foreign Affairs Committee, Session 2007-08, Overseas Territories: Response of the Secretary of State for Foreign and Commonwealth Affairs, September 2008, available from www.fco.gov.uk.

[6] See MENA News from Al-Bawaba via COMTEX News Network.

[7] See http://www.businessbvi.com, 2008 Budget Address.

[8] See http://www.fco.gov.uk; www.tax-news.com.

Community (CARICOM) and the United Kingdom. Imports consisted mostly of food, machinery and fuel.[2]

17. In remarks made in October 2008 about the unfolding global financial crisis, the Premier indicated that, the territorial Government was mindful of the potential impact, which could have a long-term effect on the economy of the Territory.[4] Meanwhile, the territorial Government was taking steps to assist residents in the light of the downturn and the instability of the international economy. For instance, measures were being taken to reduce the fuel surcharge for the use of electricity, and the use of alternative sources of energy was being promoted.[4]

## B. Financial services

18. The financial services sector accounts for nearly 60 per cent of the GDP of the Territory.[4] Since its inception in 2002, the Financial Services Commission has been functioning as an autonomous regulatory authority responsible for the regulation, supervision and inspection of all financial services in and from within the British Virgin Islands (see A/AC.109/2008/2). The British Virgin Islands Business Companies Act of 2006 has helped position the British Virgin Islands as a leader in the registration of corporate structures worldwide. The Financial Services Commission, through the Registry of Corporate Affairs, continues to be one of the major revenue-generating engines in the Territory. The International Financial Centre falls under the Ministry of Finance and is the entity charged with marketing and promoting the financial services sector of the Territory. The Financial Investigation Agency, established in 2004, investigates financial crime.[4] There were 77,022 new companies registered in 2007.[9]

19. In 2008, the British Virgin Islands participated in the work of Treasury Select Committee Inquiry of the United Kingdom Parliament regarding offshore financial centres, related comparisons among territories and applicable international standards. The International Financial Centre indicated that the Territory was widely regarded as operating a robust supervisory regime in financial services and as having a well-established system of international cooperation recognized by international mechanisms such as the Financial Action Task Force and the International Monetary Fund. According to the National Audit Office of the United Kingdom, the British Virgin Islands has demonstrated that it is up to the task of maintaining a high quality of regulation as it grows and develops.[4]

20. In its report issued on 7 July 2008, the Foreign Affairs Committee, which visited the Territory in March 2008, recommended that the Foreign and Commonwealth Office encourage the British Virgin Islands and others to continue to make progress in improving financial regulation, in particular with regard to arrangements for the investigation of money-laundering cases.[10]

## C. Tourism

21. Tourism continues to be one of the major economic pillars and the second highest revenue earner of the Territory.[4] According to the administering Power, in

[9] See http://www.bvifsc.vg, Financial Service Commission, Statistical Bulletin, 20 March 2008.

[10] See http://www.publications.parliament.uk/; www.imf.org.

2008, tourism accounted for 37 per cent of GDP and directly employed one in every three persons in the British Virgin Islands. In 2007, visitor arrivals topped off at 952,711. Estimates for arrivals from January to June 2008 for all categories stood at 604,915.[2] During 2008, the territorial Government worked to ensure that the tourism sector of the Territory would continue its leadership position as a diverse, upscale niche market destination, while maintaining environmental sustainability, social and cultural balance.[4]

22. As previously reported, various high-end tourist developments are under way, with a planned increase of over 1,000 hotel rooms over the next six years. At the same time, the Tourist Board of the British Virgin Islands continues its efforts towards improving standards with focused customer training programmes, as well as an initiative to improve basic physical standards of accommodation facilities.[2] In that context, in August 2008, a tourism strategic planning meeting was held as an "industry marketplace", allowing members of the industry to meet with field teams and managers to discuss the industry's needs and initiatives for the 2008-2009 season, and enabling the Tourist Board to brainstorm on action plans for the Territory.[11]

23. During 2008, the Territory joined the International Association of Athletics Federations. The territorial Government opened a multi-million-dollar sports facility that is expected to help pave the way for the British Virgin Islands to become a prime destination for sports tourism. In his 2008 budget address, the Premier indicated that the facility would be used for development of athletes of the Territory and the region. Moreover, the Premier stated that the territorial Government would focus on developing a tourism product that was in harmony with the environment. He underlined that social and cultural impact studies would be conducted before any type of major development was undertaken in the tourism sector.[7]

## D. Agriculture, fisheries and shipping

24. Agriculture and fishing continue to account for less than 1 per cent of GDP, and most food requirements are met through imports. Around 800 hectares are under cultivation and 4,000 hectares in pasture. The main crops are fruit and vegetables, which are produced both for local consumption and for export to the United States Virgin Islands.[2]

25. The territorial Government's Department of Agriculture continues to focus on various initiatives, including the provision of subsidy grants to farmers, with special attention given to the pig industry. Other initiatives include improving livestock breeds and supporting the ongoing Farmers' Assistance Programme through which farmers are assisted with farming materials and the marketing of produce.[2] For instance, the 2008 budget supported the development of agriculture through financial and technical assistance to local farmers, including through greenhouse initiatives with private partners. That initiative has involved the use of cutting-edge technology to produce flowers, fruits and vegetables in quantities that are expected to reduce the Territory's dependence on foreign markets and improve its food security.[7]

[11] See www.bviplatinum.com.

26. The Territory's Fisheries Act of 1997 and Fisheries Regulations of 2003 govern fishing in the British Virgin Islands. Fishing mainly serves the local market. The two main types of fisheries in the Territory are small-scale commercial and recreational fisheries.

27. During 2008, the Territory's Fishing Complex programme got under way to help ensure that the people of the Territory were able to purchase local fish and other seafood year round. As part of the programme, the territorial Government reviews the fee schedule for produce at the Fishing Complex.[7]

## E. Transport and communications

28. The British Virgin Islands has over 200 kilometres of surfaced roads. Direct shipping services operate from the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Netherlands. A deepwater harbour exists in Road Town. Regular ferry service links Tortola with some of the other islands and with St. Thomas of the United States Virgin Islands.[2]

29. According to the territorial Government, the seaports needed various improvements in 2008. In that regard, the British Virgin Islands Ports Authority plans to begin a major capital development programme that will include the ports at Virgin Gorda, West End and Port Purcell. In addition, the Authority plans to expand the cruise ship pier to accommodate larger vessels and to construct a much-needed tender dock on the north-east side of the pier. The tender dock is expected to reduce congestion in Road Town when ships are in port.[7]

30. There are three international airports in the British Virgin Islands, served by some 15 airlines.[2] In June 2008, the territorial Government signed a contract with a private company to extend and modernize the airport on Virgin Gorda Island. The same company was first engaged by the Territory from 1999 to 2003 to conduct a feasibility study regarding improving the Virgin Gorda aerodrome. The airport is being constructed according to international standards to improve Territory infrastructure.

31. Under a new motor vehicle policy, service vehicles for tours, shuttle buses and limousines will be officially registered. The policy is part of the territorial Government efforts in 2008 to provide safe, efficient and affordable transportation and infrastructure services to enhance community life and promote economic growth within the Territory.[4]

## F. Construction planning, development and public works

32. Physical planning in the British Virgin Islands is governed by the Physical Planning Act of 2004, under which all development in the Territory requires approval from the Physical Planning Authority. During 2008, the Planning Authority served 80 compliance notices and had four cases go before the court. Moreover, 363 development, 102 subdivision and approximately 32 other applications were processed. The Territorial Plan, determining land use activities and identifying undeveloped areas, is expected to be revised and updated to cover the period 2008-2028.[2]

33. In November 2008, the territorial Government hosted a conference on sustainability and the national physical development plan on the occasion of World

Town Planning Day. On that occasion, the Premier described the Territorial Plan as a very important tool to guide the development of the British Virgin Islands, noting that under the Physical Planning Act, all development, whether public or private, had to be approved by the Planning Authority, including roads cut by private developers.[4]

34. The Water and Sewerage Department of the Territory has about 8,000 customers who are provided water from 10 active reservoirs and 8 desalination plants. The plants are owned by three private companies from which the Government buys the water.

35. The 2008 Speech from the Throne before the House of Assembly outlined the Territory's legislative programme for 2009, indicating that there would be new legislation as well as amendments to some existing legislation on aviation, electricity and telecommunications, in order to develop and strengthen critical infrastructure systems in the Territory.[4]

## V. Social conditions

### A. General

36. Financial assistance is provided for those who need it through the Social Security Board, a statutory body that falls under the Ministry of Finance (see A/AC.109/2008/2). It provides for sickness and maternity benefits, as well as pensions. The Social Development Department also provides grants and other assistance to persons who are in need of assistance through the Public Assistance Committee. This is a nine-member committee which is appointed by the Cabinet. Other programmes that are administered by the Social Development Department include services for the elderly, the disabled families and children, Rainbow children's home, Social and legal aid, and Community development.[2]

37. In 2008, the territorial Government decided to increase social security benefits, including for pensioners and new mothers, starting in January 2009. Based on recommendations emanating from the Ninth Actuarial Review of the Social Security Fund, benefits include a 50 per cent increase in funeral and maternity grants, a reduction in the qualifying period for invalidity and survivors' pensions, and a 25 per cent increase in minimum age pensions.[4]

38. According to the administering Power, the Territory's National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO), a unit of the Ministry of Education, recently concluded a successful hands-on workshop, Youth PATH, which taught underprivileged, unemployed young persons between the ages of 18 and 25 some basic life skills, cultural and natural heritage preservation and how to avoid drugs and prevent HIV/AIDS.[2]

### B. Labour

39. The labour force of approximately 17,800 workers (2007) is mostly engaged in Government employment, tourism and construction. According to the Government

Development Planning Unit, the unemployment rate in the British Virgin Islands was 3.6 per cent in 2007.[12]

40. According to the media, in 2008, the territorial Government's Ministry of Natural Resources and Labour issued guidelines governing work permit exemptions that are to be based on enrolment in the school system, marriage to a belonger for a period of not less than three years or residency in the Territory of Virgin Islands for 20 years or more by a person who has demonstrated good character.[4]

## C. Education and sports

41. Education is free and compulsory in the British Virgin Islands for children between the ages of 5 and 16 years (see A/AC.109/2008/2). There are public and private primary schools in the Territory on Tortola, Anegada, Virgin Gorda and Jost Van Dyke. Secondary education, "A" level (from 12 to 16 years), is also free. There are high schools, both private and public. The community college at Paraquita Bay, the H. Lavity Stoutt Community College, is a comprehensive community college which offers university-parallel, technical-vocational and adult continuing education programmes.[13]

42. Under the national curriculum project, modernization of the educational system is being carried out. The standards which have been developed by the project for language arts and mathematics are being integrated into the Organization of Eastern Caribbean States curriculum used in the Territory schools. It is expected that introduction into schools of the new format will begin in September 2009.[2]

43. In 2008, the territorial Government announced that the Territory had received approval from UNESCO to fund a literacy intervention programme in the primary schools under the UNESCO Participation Programme. The project will be coordinated by the British Virgin Islands National Commission for UNESCO and the Department of Education. In addition, the territorial Government is in the process of implementing a new policy for the school year 2008/09, commencing with the public primary schools, where pupils in all classes will read silently for at least one hour every day.[14]

44. In addition, the Ministry of Education has upgraded the student information system by introducing the electronic "Power school" system to the schools of the Territory. The system is accessed through the Internet and allows teachers, parents and administrators to track the progress of students, both academically and socially, in terms of truancy, lateness and absenteeism. Students and parents can also track student performance, check their assignments and hold discussions online with teachers. To ensure that the programme works effectively, each teacher is to be given access to a laptop computer.[2]

45. The Department of Youth Affairs and Sports works with sports organizations to improve their capacity in administration, event hosting, fund-raising, international networking and athlete development. Major achievements of the Department are the preparation of a draft sports policy and a youth policy. The

[12] See http://www.photius.com/rankings/economy/unemployment_rate_2007_0.html.
[13] See www.hlscc.edu.vg.
[14] See www.bviplatinum.com.

sports policy is being refined by a sports consultant. In addition, the territorial Government is upgrading all the major recreation grounds in the Territory to ensure that the youth of the Territory have adequate facilities to maintain fitness and stay healthy.[2]

## D. Public health

46. The Territory's Health Services Authority, an autonomous corporate body, was established in 2005 when the British Virgin Islands Health Services Act was passed, to manage all public health-care delivery services for the Ministry of Health and Social Development. According to the administering Power, the territorial Government continues to be the major funding source for the Authority. At the same time, the British Virgin Islands Health Services Authority makes every effort to improve its revenue generation and collection, to facilitate a transition from almost total reliance on Government funding towards functioning as an autonomous body with no or limited public funds.[2] In accordance with the 1977 Public Health Act, which is the statutory framework for protecting and promoting the population's health, public health services are provided free at the point of use to certain groups, such as full-time schoolchildren, nursing mothers, the elderly, the mentally ill, health workers, firefighters, the police, prisoners and prison officers.[2]

47. According to the administering Power, the British Virgin Islands has one 44-bed public hospital, Peebles Hospital, and one 8-bed private hospital, the Bougainvillea Clinic. Both are located in Road Town. Peebles Hospital offers general medical services and certain specialist services. Tertiary care services are accessed at institutions in Puerto Rico, other Caribbean islands and the United Kingdom.

48. There is a total of 84 physicians registered to practise in the British Virgin Islands. Of these, 55 are actively practising in the Territory, 35 work in the public sector and 20 work in the private sector. There are 10 dentists registered to practise in the British Virgin Islands, of whom 2 work in the public sector and 8 in the private sector. A total of 162 nurses are registered with the Territory's Nurses, Midwives and Assistant Nurses Council. Of that number, 48 are midwives/registered nurses, 82 are registered nurses and 32 are assistant nurses. The recruitment and retention of health staff remains a significant challenge. There are no training facilities for health-care professionals in the Territory. Instead, nationals are generally trained at regional training institutions, in the United States of America or the United Kingdom.[2]

49. Health-care provisions are constantly upgraded with a focus on the primary health-care approach. Primary care services are delivered through 12 health centre clinics and health posts located on the four most populated islands. The clinics provide a range of services, including maternal and child health clinics, elder care, special chronic disease clinics, treatment of common illnesses, nutritional counselling and school health services.[2]

50. Work commenced on the construction of the new Peebles Hospital in March 2005, and the construction phase is expected to be completed by mid-2009. The new facility will comprise a 151,000 square foot six-storey building with 108 beds, as well as shell space for future development.[2]

51. The Comprehensive Health Sector Emergency Management Plan developed in 2000 is to be revised in 2009, taking into account the lessons learned from annual simulation exercises held to test and update the Plan. In addition, the pandemic influenza preparedness plan is expected to be finalized in 2009.[2]

52. In terms of disease conditions at the end of November 2008, according to the administering Power, 92 HIV/AIDS cases have been reported. Thirty-two persons have died of AIDS. There are 54 persons, known to be living in the British Virgin Islands with HIV/AIDS and receiving antiretroviral therapy. They range in age from 19 to 68 years. Of these persons, 23 are being treated in the Territory and 31 are known to have accessed care overseas. Antiretroviral therapy, although not free of charge, is currently much more accessible and affordable to persons living with HIV/AIDS than it used to be. Chronic non-communicable diseases, mainly diabetes and hypertension, contribute significantly to adult morbidity and mortality.[2]

53. In November 2008, information on the Territory's legislative programme for 2009 indicated that steps would be taken to ratify legislation on pharmacy services to protect the population from counterfeit medicines and malpractice.[4]

## E. Crime, security and public safety

54. During the early 2000s, the increased level of crime in the Territory became a matter of concern (see A/AC.109/2008/2). The problem is gradually being addressed by the territorial Government, including with support from the Royal Virgin Islands Police Force. In October 2008, the Governor and the Premier held a joint press conference in which they emphasized the need for a community-based fight against criminality to ensure the safety and security of the community. The media were informed that five police officers from the United Kingdom (out of seven planned), hired to work in specialist areas, had arrived in the Territory. According to the Governor, the officers were to work alongside their local counterparts to help enhance their skills and capabilities in various areas, including crime scene investigation, marine policing, covert operations and murder investigations.[4]

55. According to the media, the British Virgin Islands worked with the Caribbean Financial Action Task Force in 2008, an organization of 30 States of the Caribbean Basin that have agreed to implement common countermeasures to address the problem of criminal money-laundering, demonstrating the Territory's continuing commitment to maintaining an internationally robust legal and regulatory regime for anti-money-laundering and combating the financing of terrorism. The Task Force report issued in December 2008 highlighted the efforts undertaken by the Territory since the last Task Force mutual evaluation of the Territory in 2002 to ensure compliance with established anti-money-laundering/combating the financing of terrorism principles and the Territory's commitment to the establishment of standards in legal, law enforcement, regulatory and international cooperation matters.[15]

56. The Speech from the Throne given on 13 November 2008 before the House of Assembly outlined the territorial Government's legislative programme for 2008/09, indicating that it would focus on strengthening the criminal justice system and enact the Justice Protection Act to increase the willingness of witnesses to testify in

[15] See www.caribbeannetnews.com; www.cfatf.org.

criminal cases. The Police Act 1986 was under review.[4] According to the administering Power, the Parole of Prisoners Bill 2009 was being discussed for presentation to the Cabinet and the House of Assembly for approval.[2]

## VI. Environment

57. The British Virgin Islands has acceded to several global multilateral environmental agreements (see A/AC.109/2008/2), including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Biological Diversity, and the Ramsar Wetlands Convention. The Convention on International Trade in Endangered Species of Wild Fauna and Flora has been incorporated into local enabling legislation.

58. During 2008, the British Virgin Islands and the other United Kingdom-administered Territories in the Caribbean worked on a strategy exercise to help reduce the debilitating effects of climate change. Focus areas included climate change impact studies and vulnerability assessments, development of national and sectoral adaptation strategies, and support for public education, outreach and national project management. The exercise was carried out in conjunction with a Caribbean Community (CARICOM) and European Union project elaborating strategies to counter climate change and biodiversity loss.[16] In that context, in August 2008, the British Virgin Islands hosted a climate change training workshop in collaboration with the Caribbean Community Climate Change Centre. The purpose of the climate change vulnerability and capacity assessment methodology workshop was to train a multidisciplinary team from Anguilla, the Cayman Islands, Montserrat, the Turks and Caicos Islands and the British Virgin Islands in assessing the vulnerability of a tourism sector to climate change.[4] In the context of the Overseas Territories Consultative Council meeting held in London on 28 and 29 October 2008, the territorial Government agreed to work together with the United Kingdom to address the potential impact of climate change and to promote sustainable environmental policies with additional support from the Department for the Environment, Food and Rural Affairs of the United Kingdom.[17]

59. In 2008, the British Virgin Islands was represented at the Eighteenth Meeting of the Board of Directors of the Caribbean Disaster Emergency Response Agency convened in Antigua and Barbuda in May 2008.[4]

60. A strong earthquake occurred on 11 October 2008 in the British and United States Virgin Islands and nearby Puerto Rico. The United States Geological Survey said the quake was centred about 70 kilometres (43 miles) north-west of Anegada in the British Virgin Islands and had a magnitude of 6.1 on the Richter scale. Disaster officials in the British Virgin Islands said there were no reports of significant damage or injuries.[18]

[16] See www.reunion2008.eu.

[17] See www.fco.gov.uk.

[18] Associated Press, 11 October 2008.

# VII. Relations with international organizations and partners

## A. United Nations system

61. The British Virgin Islands has associate membership in the International Labour Organization (ILO), UNESCO and the Economic Commission for Latin America and the Caribbean. The national commission for UNESCO collaborates with UNESCO in the areas of institution- and capacity-building.

62. In the context of the Overseas Territories Consultative Council meeting held in London on 28 and 29 October 2008, the territorial Government agreed upon the target date of October 2009 to achieve the extension of ILO Convention 182 on the worst forms of child labour and of the Convention on the Elimination of All Forms of Discrimination against Women, and to consider the options available to meet international obligations on sexual orientation.[16]

63. On 7 November 2008, the territorial Government signed the United Nations Children's Fund Country Programme Action Plan 2008-2011, which, inter alia, seeks to promote mutual agreement and cooperation for the fulfilment of the United Nations Convention on the Rights of the Child and the Convention for the Elimination of All Forms of Discrimination against Women.[4]

## B. Regional organizations and other partners

64. The Territory is an associate member of CARICOM and the Organization of Eastern Caribbean States (OECS). In October 2008, it was reported that the British Virgin Islands would join consultations held by OECS member States on a proposed economic union to be accomplished in 2009.[19] In that connection, it was announced that the OECS secretariat was embarking on several initiatives to develop enhanced support systems for the proposed union. One such initiative is a collaborative undertaking with the ILO Subregional Office for the Caribbean in developing and implementing an OECS labour market information system.[4] The Territory is a borrowing member of the Caribbean Development Bank.

65. The British Virgin Islands is associated with the European Union (EU) but is not a part of it. The Territory is a signatory of agreements that provide for development assistance from EU, on the basis of performance-based partnerships.

66. The question of the continued functioning of the Inter-Virgin Islands Council was addressed during the visit of Governor John P. deJongh of the United States Virgin Islands to the British Virgin Islands in March 2007, when he underscored his commitment to seeing the Council continue to perform its vital role of addressing issues that are of concern to the two Territories.[20] It is expected that a further meeting of the Inter-Virgin Islands Council will be convened in early 2009.

[19] See www.oxan.com, Oxford Analytica.

[20] See http://www.governordejongh.com/news/archive/2007/03/031506-2.html.

# VIII. Future status of the Territory

## A. Position of the territorial Government

67. The position of the territorial Government regarding the future status of the British Virgin Islands is reflected under section II on constitutional issues.

## B. Position of the administering Power

68. In a statement made on 6 October 2008 before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-third session of the General Assembly, the representative of the United Kingdom said, inter alia, that her Government's relationship with its Overseas Territories was based on partnership, shared values and the right of each Territory to determine if it wished to retain its link to the United Kingdom, where applicable. Her Government had no intention of imposing independence against their will.[21]

69. She referred to various constitutional review processes that had been undertaken, aimed at providing a modern constitutional framework to reflect the specific circumstances of each Territory. Provisions relating to good governance, human rights and the roles of the Governor and locally elected politicians had been updated. She stated that her Government's support for the Territories focused on capacity-building and sustainable development, and indicated that the United Kingdom continued to work with the Territories, as appropriate, in areas such as political and economic transparency, security, reduction of vulnerability to natural and non-natural disasters and environmental management.

70. In a paper dated 8 May 2008, sent to the Chair of the Special Committee for circulation at the Pacific regional seminar on decolonization held in Bandung later that month, the United Kingdom similarly set out its position,[22] as based on the 1999 white paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories".[23] The paper also addressed the status of various constitutional review processes undertaken in the framework of the white paper.

## C. Action by the General Assembly

71. On 5 December 2008, the General Assembly adopted without a vote resolutions 63/108 A and B, based on the report of the Special Committee transmitted to the General Assembly[24] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/63/408). Section IV of resolution 63/108 B concerns the British Virgin Islands. Under that section's operative paragraphs, the General Assembly:

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[21] A/C.4/63/SR.2.

[22] The full statement can be found at: http://www.un.org/depts/dpi/decolonization/regional_seminars_statements_08/united_kingdom.pdf.

[23] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999, by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

[24] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 23* (A/63/23).

"1. *Welcomes* the new Constitution of the British Virgin Islands, which took effect in June 2007, and notes the need expressed by the territorial Government for minor constitutional amendments in the years to come;

"2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

"3. *Welcomes* the efforts made by the Territory to focus its economic base more on local ownership and on professional service industries other than financial services;

"4. *Appreciates* the efforts made to continue the work of the Inter-Virgin Islands Council between the elected Governments of the British Virgin Islands and the United States Virgin Islands to advance cooperation between the two neighbouring Territories."